

**REAL ESTATE BOARD
MINUTES
February 18, 2010**

PRESENT: Stephen Beers, Peter Sveum, Robert Dueholm, Lisabeth Weirich, Ryan Schroeder and Dennis Pierce

EXCUSED: Kenneth Lee

STAFF PRESENT: Yolanda McGowan, Bureau Director; Mike Berndt, Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

GUESTS: Anne Blood, Madison Area Technical College (MATC) and Cori Lamont, Wisconsin Realtors Association (WRA)

CALL TO ORDER

Peter Sveum, Chair, called the meeting to order at 10:10 a.m. A quorum of six (6) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Add page 80A that was sent electronically to Board members.
- Change page numbers for Item E – Review and Discuss Correspondence re: Supreme Court 07-09 re: Definition of Practice of Law from 17-30 to 27-30.
- Added 2 stipulations to the presentation section – Thomas Golden and R. Kuehl & Associates, LLC. that were included in the closed session packet.
- Moved Case 08 REB 087 to the case closing section

MOTION: Steven Beers moved, seconded by Dennis Pierce, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES
OCTOBER 29, 2009 and DECEMBER 3, 2009**

MOTION: Dennis Pierce moved, seconded by Ryan Schroeder, to adopt the Minutes of October 29, 2009 and the December 3, 2009 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT
YOLANDA MCGOWAN, BUREAU DIRECTOR**

Department Updates & Reminders

Ms. McGowan asked the Board to review the policies that were included in the agenda packet. She pointed out that the 2 biggest changes are the new accommodations and the increase in

reimbursement rate from \$15 to \$25 for one checked bag during Board travel. She reminded the Board that if members have hotel reservations that are made by the department and are unable to attend the meeting, members are responsible for canceling the reservations. Ms. McGowan also updated the Board on Department staffing.

PRESENTATION OF PROPOSED STIPULATIONS BY THE DIVISION OF ENFORCEMENT OR ANY SUBMITTED AFTER PRINTING OF THE AGENDA

No presentations were requested.

EXAMINATION, EDUCATION AND EXPERIENCE ISSUES

Update – Ad Hoc Committee on Real Estate Education and Experience Licensure Requirements

Steven Beers indicated that the committee has concluded their project and there should be a summary available for the next Board meeting.

LEGISLATIVE/ADMINISTRATIVE RULES

Review and Discuss Correspondence re: Supreme Court Rule 07-09 re: Definition of Practice of Law

Peter Sveum invited Cori Lamont to update this Board related to the unlicensed practice of law. Ms. Lamont indicated that the WRA is watching the progress of this petition due to the contracts that are drafted by realtors.

MOTION: Robert Dueholm moved, seconded by Steven Beers, to have the Bureau Director draft a letter on behalf of the Board stating the Board's position with respect to the petition and grant Peter Sveum authority to review and approve the letter. Motion carried unanimously.

Review and Approve RL 15

Peter Sveum indicated that this item should be table but should appear as a standing item on future agendas.

Discuss Possible Rule Change to RL 24.17

Lydia Thompson, from Division of Enforcement, appeared before the Board. The Department is asking the Board to consider a change that would require the Real Estate license holders to report criminal traffic offenses. Currently, the real estate profession is the only profession that is not currently required to report these offenses because RL 24.17 was enacted before RL 4.09. Mike Berndt indicated that Yolanda McGowan and Peter Sveum should bring language for the change back to the Board at the April Board meeting. Ms. McGowan told the Board that a modification could be made to the current scope statement to reflect the change that the Board discussed today.

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to bring RL 24.17 in line with RL 4.09 related to reporting requirements for criminal offenses. Motion carried unanimously.

Discuss Potential Revisions to RL 16 and 18

Peter Sveum will be meeting with the Yolanda McGowan and other Department staff to discuss the potential rule changes.

MOTION: Steven Beers moved, seconded by Robert Dueholm, to direct the Department to develop scope statements for RL 16 and RL 18. Motion carried unanimously.

PRACTICE ISSUES

Peter Sveum indicated that due to snow, the forms committee was unable to meet on the last scheduled meeting date. They will meet in March and continue working on the Condominium Offer to Purchase. Once that has been completed, the committee will begin the Vacant Land Offer to Purchase.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

The Board is still seeking Time Share Salespersons to present to the Board and be available to answer questions that the Board may have.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Lisabeth Weirich moved, seconded by Steven Beers, to convene to Closed Session to deliberate on cases following hearings (s. 19.85 (1) (a), Stats.); to consider disciplinary investigation with administrative warning (s. 19.85(1) (b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Stephen Beers-yes; Peter Sveum-yes; Robert Dueholm-yes; Lisabeth Weirich-yes; Ryan Schroeder – yes; and Dennis Pierce-yes. Motion carried unanimously.

Open session recessed at 11:17 a.m.

RECONVENE TO OPEN SESSION

MOTION: Steven Beers moved, seconded by Dennis Pierce, to reconvene into Open Session at 12:24 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Robert Dueholm moved, seconded by Ryan Schroeder, to issue the administrative warnings in the matters of 06 REB 024 and 09 REB 042 as to 4 different respondents. Motion carried unanimously.

**CASE CLOSINGS, CITATIONS, AND CASE STATUS REPORT OR
ANY RECEIVED AFTER MAILING OF AGENDA**

MOTION: Steven Beers moved, seconded by Lisabeth Weirich, to close the following cases as recommended by the Division of Enforcement. Motion carried unanimously.

1. 06 REB 024 Prosecutorial Discretion (P7)
2. 07 REB 007 Prosecutorial Discretion (P3)
3. 07 REB 026 Insufficient Evidence
4. 07 REB 076 Prosecutorial Discretion (P3)
5. 07 REB 091 Insufficient Evidence
6. 07 REB 153 Insufficient Evidence
7. 07 REB 121 Prosecutorial Discretion (P1)
8. 07 REB 155 Prosecutorial Discretion (P3)
9. 07 REB 202 Prosecutorial Discretion (P5)
10. 07 REB 220 No Violation
11. 07 REB 223 Prosecutorial Discretion (P5)
12. 07 REB 242 No Violation
13. 07 REB 262 Prosecutorial Discretion (P5)
14. 07 REB 267 Insufficient Evidence
15. 08 REB 046 Prosecutorial Discretion (P5)
16. 08 REB 087 Prosecutorial Discretion (P5)
17. 08 REB 106 Prosecutorial Discretion (P5)
18. 08 REB 140 No Violation
19. 09 REB 042 No Violation
20. 09 REB 053 No Violation

**DELIBERATION ON PROPOSED STIPULATIONS OR
ANY RECEIVED AFTER MAILING OF AGENDA**

MOTION: Dennis Pierce moved, seconded by Steven Beers, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Andrea M. Krueger, Century 21 Best Way Realty (06 REB 229); Thomas Golden (09 REB 072); R. Kuehl & Associates, LLC (07 REB 055); and Debra Schieble (07 REB 037). Motion carried unanimously.

MOTION: Dennis Pierce moved, seconded by Robert Dueholm, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of Daniel M. Spransy (07 REB 076) and extend the time period for payment of costs to 60 days from the date the Board order is signed. Motion Carried.

CONSULTING WITH LEGAL COUNSEL

The Board consulted with legal counsel throughout the meeting as the need was identified.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required documents.

OTHER BOARD BUSINESS

Next Meeting: April 29 – 10:00 AM

ADJOURNMENT

MOTION: Ryan Schroeder moved, seconded by Dennis Pierce, to adjourn the meeting at 12:30 p.m. Motion carried unanimously.